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Catalog of Publications

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READEX FICHE

REQUESTS FOR PUBLICATIONS

The publications described in this catalog include reports of research and analysis done by or for the Federal Judicial Center, as well as products of Center seminars and workshops conducted for various third branch personnel. These publications are available from the Center's Information Services Office. Some, however, are available only to certain groups within the federal judiciary; these are noted in the respective entries.

The publications are arranged by subject, and those published since 1977 are further identified by the following series notation: R identifies reports of research projects; SP identifies staff papers, which normally involve less exhaustive research efforts than do reports; ETS identifies materials prepared in connection with education and training seminars; and M identifies manuals and handbooks. The index at the back of the catalog provides an alphabetical listing of Center publications by title, with separate entries for authors.

To request a publication listed in this catalog, write to Federal Judicial Center, Information Services, 1520 H Street, N.W., Washington, D.C. 20005. Please enclose a self-addressed mailing label to expedite receipt of the request. For items designated as "available only on loan," persons outside the federal judiciary should request copies through their local libraries.

ADMIRALTY

Admiralty [primer]
Alvin B. Rubin
1973, 136 pages, 73-7 *(available only on loan)*

A primer that defines admiralty terminology; describes seamen's rights, jurisprudence, and statutes; and contains special admiralty briefs.

ADVOCACY

The Quality of Advocacy in the Federal Courts: A Report to the Committee of the Judicial Conference of the United States to Consider Standards for Admission to Practice in the Federal Courts
Anthony Partridge and Gordon Bermant
1978, 213 pages, R-78-1

A report on judges' evaluations of lawyers' performances in federal district courts and courts of appeals. Based on surveys of trial and appellate judges and attorneys, as well as ratings of videotaped trial performances, the study analyzes relationships between performance and lawyer characteristics (role in case, size of law office, and lawyer's age, experience, and education) and identifies areas of deficiency in trial and appellate skills.

ALTERNATIVE DISPUTE RESOLUTION

Mediation in the Western District of Washington
Karl Tegland
1984, 43 pages

A description of an innovation applied in the Western District of Washington for mediation of selected civil cases. Under this procedure, developed jointly by the court and the local federal bar association, judges may refer cases to attorneys who serve as mediators without compensation, in an attempt to induce settlements.

The Wayne County Mediation Program in the Eastern District of Michigan
Kathy L. Shuart
1984, 60 pages

An examination of a mediation procedure used by the United States District Court for the Eastern District of Michigan that was built on an already existing mediation program developed by the Third Judicial Circuit

Court in Wayne County (Detroit), Michigan. The report describes the procedure as it operates in both the federal district court and the state trial court. Copies of the courts' relevant local rules and selected forms are included.

Court-Annexed Arbitration

A. Leo Levin

16 University of Michigan Journal of Law Reform 537 (1983)

An examination of the use of court-annexed arbitration as an alternative method of dispute resolution. This article describes in detail how an effective court arbitration program works and the goals the program is designed to achieve; it also focuses on the experience federal and state courts have had with court-annexed arbitration.

Evaluation of Court-Annexed Arbitration in Three Federal District Courts

E. Allan Lind and John E. Shapard

Revised 1983, 140 pages, R-83-4

An evaluation of the effectiveness of local rules providing for mandatory, nonbinding arbitration in three federal district courts. The report draws primarily upon questionnaires sent to arbitrators and participating counsel, observation of arbitration hearings, and comparisons between cases subject to the arbitration rules and cases not subject to arbitration. (This revised edition includes an updated analysis of some of the data.)

Summary Jury Trials in the Northern District of Ohio

M.-Daniel Jacoubovitch and Carl M. Moore

1982, 89 pages, R-82-1

An analysis of the summary jury trial procedure and a documentation of the views and concerns of participants in summary jury trials. The authors observed a number of summary jury trials, reviewed court records, and interviewed those involved in cases assigned to summary jury trials.

See also **COSTS OF LITIGATION**

ANTITRUST LAW

The "Rule of Reason" in Antitrust Analysis: General Issues

Phillip Areeda

1981, 47 pages, ETS-81-1

An essay for use by judges in clarifying the dichotomy between "per se unlawful" and "rule of reason" restraints in antitrust litigation. This analy-

sis is preceded by an examination of the rule of reason inquiry; comments on four common confusions—administrative convenience, state of mind, horizontal–vertical dichotomies, and the necessity of agreement; and the rationale for per se rules by reference to the prohibition of price fixing.

APPELLATE COURT ADMINISTRATION

Administration of Justice in a Large Appellate Court: The Ninth Circuit Innovations Project

Joe S. Cecil

1985, 167 pages, R-85-2

A description of a series of innovations adopted by the Ninth Circuit between 1980 and 1982. The report outlines the court's Submission-Without-Argument and Prebriefing Conference programs and its modifications in the calendaring of oral arguments, reviewing the effect of these innovations on case processing and the circuit's workload.

Administering the Federal Judicial Circuits: A Survey of Chief Judges' Approaches and Procedures

Russell R. Wheeler and Charles W. Nihan

1982, 59 pages, R-82-5

A description of how chief judges of the federal appellate courts discharge their administrative responsibilities, based on interviews with chief judges, circuit executives, and other court personnel. The report discusses current trends in circuit administration and offers suggestions for how the chief judge's administrative role might be strengthened.

Follow-Up Study of Word Processing and Electronic Mail in the Third Circuit Court of Appeals

J. Michael Greenwood

1980, 42 pages, R-80-4

A supplementary report to the 1979 report that follows, undertaken at the court's request because evidence to support permanent installation of the electronic-mail capability was inconclusive as a result of certain technological and operational problems. This follow-up study describes various refinements in the system and documents the efficiencies attributable to the technology in the Third Circuit.

The Impact of Word Processing and Electronic Mail on United States Courts of Appeals

J. Michael Greenwood and Larry Farmer

1979, 91 pages, R-79-2

A description of the implementation in the Third Circuit Court of Appeals of word processing and an electronic-mail network using Courtran computer resources. The report concludes that these technologies substantially reduce appellate processing time; improve secretarial and judicial productivity; and expedite delivery of correspondence to chambers and offices.

Central Legal Staffs in the United States Courts of Appeals: A Survey of Internal Operating Procedures
1978, 42 pages, R-78-3

A discussion of the use of staff attorneys in each circuit court, based on reports prepared by senior staff attorneys.

Comparative Report on Internal Operating Procedures of United States Courts of Appeals
James E. Langner and Steven Flanders
1973, 91 pages, 73-16 *(available only on loan)*

A description of procedures in six stages of the appellate process: notification, documentation, argumentation, decision, publication, and mandate. The report also describes procedures related to judicial conferences, councils, committees, and circuit executives; bar admission and regulation; court support personnel, staff attorneys, and libraries. Procedures in each of the federal courts of appeals are identified and compared.

See also **APPELLATE REVIEW; CIRCUIT AND DISTRICT EXECUTIVES; OPINION WRITING AND PUBLICATION**

APPELLATE REVIEW

Appellate Review of Trial Court Discretion
Maurice Rosenberg
1975, 28 pages, ETS-77-3

A discussion of types of cases in which judicial discretion—based on facts and guided by law—is applied in trial courts.

See also **APPELLATE COURT ADMINISTRATION; STARE DECISIS**

APPELLATE SYSTEM STRUCTURE AND REVISION

Issue Preclusion Against the United States Government
1984 *(see page 23)*

Report of the Study Group on the Caseload of the Supreme Court
1972, 65 pages, 72-11 *(available only on loan)*

The conclusions of a panel of scholars and practitioners who were assembled to study the caseload of the Supreme Court, identify problems, and recommend jurisdictional and procedural changes to assist in remedying those problems. The text of this report can also be found at 57 F.R.D. 573.

Note: The Center is also the depository for publications of the Commission on Revision of the Federal Court Appellate System and has available copies of the commission's two reports, *The Geographical Boundaries of the Several Judicial Circuits: Recommendations for Change* (1973) and *Structure and Internal Procedures: Recommendations for Change* (1975). Transcripts of the hearings before the commission in its first phase (one volume) and second phase (two volumes) are available only on loan.

ASBESTOS LITIGATION

Asbestos Case Management: Pretrial and Trial Procedures
Thomas E. Willging
1985, 39 pages, R-85-1

A description of case management procedures various courts have used to facilitate prompt resolution in asbestos litigation. Among the methods described are use of standardized pretrial procedures to avoid duplication of effort, use of calendaring systems to establish firm and credible trial dates, and consolidation of cases for trial to conserve judicial time.

ATTORNEYS' FEES

Attorney Fee Petitions: Suggestions for Administration and Management
Thomas E. Willging and Nancy A. Weeks
1985, 94 pages, R-85-7

An analysis from a case management perspective of the cases, statutes, local rules, and other materials that affect judicial management of attorney fee petitions. The authors offer alternative approaches to various attorney fee issues and discuss techniques for streamlining repetitive aspects of fee applications and disputes.

The Influence of Rules Respecting Recovery of Attorneys' Fees on Settlement of Civil Cases
John E. Shapard
1984, 72 pages, SP-84-5

A theoretical economic analysis comparing the influence of five attorney fee rules on litigants' financial incentives: the American rule, the English

rule, statutory provisions allowing recovery by prevailing plaintiffs, contingent fee arrangements, and an offer-of-judgment rule.

Judicial Regulation of Attorneys' Fees: Beginning the Process at Pretrial

Thomas E. Willging
1984, 58 pages, R-84-2

A report on the assessment by a cross section of lawyers of the innovative pretrial order designed to regulate and limit attorneys' fees during the course of the *Continental Illinois Securities Litigation.* Counsel for plaintiffs, defendants, corporations, unions, low-income clients, and public-interest entities were asked, among other things, to compare the guidelines in the *Continental Illinois* case with their own practices. The report records their approval of the general approach and details their suggestions for refinement of this specific order.

Attorney-Client Fee Arrangements: Regulation and Review

Robert Aronson
1980, 162 pages, R-80-5

An analysis of federal and state statutes, decisions, and rules concerning the awarding or setting of attorneys' fees. The report focuses on four problem areas: valuation of legal services, division of fees among attorneys, contingent fee arrangements, and funding of public-interest litigation through fee awards.

Attorneys' Fees in Class Actions

Arthur R. Miller
1980, 430 pages, R-80-7 *(available only on loan)*

A circuit-by-circuit review of case law governing award of attorneys' fees in class actions and an examination of abuses in fee requests. The report also includes a discussion of judges' and attorneys' attitudes toward fee computation. Recommendations focus on procedures, implemented early in litigation, designed to avoid problems when fee requests are submitted.

AUDIOVISUAL MATERIALS

Catalog of Audiovisual Media Programs

1985, ETS-85-7

A catalog of audiocassettes, videocassettes, and films available for circulation to federal court personnel. These include audio recordings of presentations made at Center seminars and workshops, video recordings of selected seminars, and commercially produced films and cassettes that address a

range of legal, managerial, supervisory, and other topics. (Requests for this publication should be directed to the Center's media library.)

AUTOMATION AND COMPUTER TECHNOLOGY

Preparing a United States Court for Automation
Gordon Bermant
1985, 38 pages, M-85-1

A discussion of the issues courts must consider as the Administrative Office and Federal Judicial Center's five-year plan for decentralization of court automation is implemented. The report describes the key role played by the clerk of court in a new system's implementation, the importance of the system manager position, the logistical and personnel demands involved in the installation of computer hardware, and ways to use the system efficiently once it has been installed.

A Database Management System for the Federal Courts
Jack R. Buchanan, Richard D. Fennell, and Hanan Samet
9 ACM Transactions on Database Systems 72 (1984)

A technical description of the design and implementation of a general-purpose data base programming facility, combining a network-style data base management system and a high-level system implementation programming language. The use of this facility in the development of the Courtran Criminal Docketing Automated Case Management System is also discussed.

Using Technology to Improve the Administration of Justice in the Federal Courts
Charles W. Nihan and Russell R. Wheeler
1981 Brigham Young University Law Review 656

An analysis, produced for a symposium on federal judicial administration, of the several ways in which technology can help the courts and of how the special characteristics of courts affect their receptivity to technological innovation. The authors describe Courtran, the term used for various court and case management applications developed by the Center, some of which have been transferred to the Administrative Office of the United States Courts.

Follow-Up Study of Word Processing and Electronic Mail in the Third Circuit Court of Appeals
1980 *(see page 3)*

A Framework for Managing Computer Resources in the United States Courts
Jack R. Buchanan
1980, 209 pages, SP-81-4 *(available only on loan)*

An analysis of past trends and likely developments in the computer industry and how those factors might shape the optimal computer configurations for the federal court system.

The Impact of Word Processing and Electronic Mail on United States Courts of Appeals
1979 *(see page 3)*

BLACK LUNG

The "Black Lung" Act: An Analysis of Legal Issues Raised Under the Benefit Program Created by the Federal Coal Mine Health and Safety Act of 1969 (as amended)
Ernest Gellhorn
1981, 51 pages, ETS-81-2

An essay for use by judges and others in understanding the legal requirements and interpretative problems of the Black Lung Act. It includes a brief account of the legislative history of the act and describes some of the act's main provisions. Subsequent congressional amendments to the act and their judicial consequences are analyzed.

CALENDARS AND CALENDARING

The Joint Trial Calendars in the Western District of Missouri
Donna Stienstra
1985, 59 pages

An examination of the calendaring system used by the Western District of Missouri to clear its criminal and civil dockets at regularly scheduled intervals. The report, based on interviews with the district's judges, court personnel, and attorneys, reviews the procedure's impact and offers guidelines for courts considering its adoption. Copies of the court's orders and forms are included.

CALEN9: A Calendaring and Assignment System for Courts of Appeals
Michael R. Leavitt
1978, 34 pages *(available only on loan)*

A description of the calendaring and assignment computer software system that the Center designed at the request of the Ninth Circuit Court of Appeals. The report includes suggestions for possible applications of that software.

CASELOADS AND CASE WEIGHTS

The Caseload Experiences of the District Courts from 1972 to 1983: A Preliminary Analysis
Barbara Stone Meierhoefer and Eric V. Armen
1985, 20 pages, SP-85-1

An analysis of the appropriateness of using 400 weighted filings per judge as the touchstone for recommending the creation of new district judgeships. Through statistical comparisons of various single-year filing cutoff points, the authors examine how the district courts have handled their pending caseloads. The report concludes that, although important, the single-year filing levels are imperfect predictors of caseload behavior and other variables need to be considered.

The Cases of the United States Court of Appeals for the District of Columbia Circuit
Gordon Bermant, Patricia A. Lombard, and Carroll Seron
1982, 56 pages, R-82-3

An examination of the relative judicial and administrative burdens produced by various case types in the D.C. Circuit. The study confirms that the burden arising from the quantity of material presented to the court for consideration is greater in administrative agency cases than in other case types.

The 1981 Bankruptcy Court Time Study
John E. Shapard
1982, 107 pages, R-82-7

An analysis of the caseload burdens of bankruptcy judges, using a refinement of the time study method developed in the 1979 district court time study. The report describes the new methodology in detail and explains how to use case weights to produce weighted caseload measurements.

The 1979 Federal District Court Time Study
Steven Flanders
1980, 111 pages, R-80-8

A revision in the system of case weights used to assess the caseload burden in district courts. Based on time records kept by ninety-nine federal district judges for a twelve-week period in early 1979, the report describes the

survey method in detail, summarizes results and applications, and presents data on the nature and distribution of the federal courts' workload.

Appellate Court Caseweights Project
1977, 36 pages, SP-77-3 *(available only on loan)*

An attempt to develop estimates of relative workload ("case weights") for certain rare case types at the appellate level. The study reveals that case weighting was not an effective means of caseload measurement under the existing appellate court statistical reporting systems.

District Court Caseload Forecasting: An Executive Summary
1975, 56 pages, 75-7 *(available only on loan)*

A summary of the first phase of the Center's project to develop a caseload-forecasting model. The study concludes that indicator-based forecasts can and should be used to aid in allocating district court resources.

CASE MANAGEMENT—APPELLATE COURTS

Deciding Cases Without Argument: A Description of Procedures in the Courts of Appeals
Joe S. Cecil and Donna Stienstra
1985, 41 pages, R-85-9

A report on procedures and standards adopted by the courts of appeals for deciding cases without oral argument. The reponses of clerks of court to a survey on court practices are discussed, and statistical information is presented along with a review of relevant local rules. The report discusses only the procedures developed for typical cases; it does not consider special procedures for pro se cases, nor does it attempt to evaluate the screening programs.

Appeals Without Briefs: Evaluation of an Appeals Expediting Program in the Ninth Circuit
John E. Shapard
1984, 29 pages, SP-84-2

An investigation of problems encountered by the Ninth Circuit in its Appeals Without Briefs (AWB) Program, which was designed to expedite the disposition of civil appeals presenting comparatively straightforward issues. The author recommends solutions to the problems described by judges and counsel participating in the program and concludes that a revised AWB program could be successful.

A Reevaluation of the Civil Appeals Management Plan
Anthony Partridge and Allan Lind
1983, 115 pages, R-83-2

The report of the Center's second evaluation of the Second Circuit's Civil Appeals Management Plan (CAMP), which, in contrast to the first evaluation (see 1977 entry below), reveals that CAMP does produce the benefits expected of it. In addition to reducing average disposition time, CAMP resulted in settlement or withdrawal of about 10 percent of the appeals eligible for the program, producing a reduction of approximately 8 percent in the total number of appeals argued to the court.

The Seventh Circuit Preappeal Program: An Evaluation
Jerry Goldman
1982, 76 pages, R-82-4

An evaluation of the effects of certain prehearing practices on reducing workloads of Seventh Circuit judges. The study covered scheduling orders and prehearing conferences conducted by a senior staff attorney working alone or in collaboration with a circuit judge.

Appeals Expediting Systems: An Evaluation of Second and Eighth Circuit Procedures
Larry C. Farmer
1981, 87 pages, R-81-7

A description and analysis of the efforts of two circuit courts to manage their case flow from the filing of the notice of appeal through the time the case has been prepared for submission to the court. The author examines the procedures implemented in the Second and Eighth Circuits to control and reduce the time required to prepare cases for submission on appeal.

An Evaluation of the Civil Appeals Management Plan: An Experiment in Judicial Administration
Jerry Goldman
1977, 122 pages, R-77-4

An evaluation of the first experimental operation of the Civil Appeals Management Plan (CAMP) of the Second Circuit. CAMP defines a set of procedures designed to eliminate burdensome appeals, improve the quality of appeals, and expedite the appellate process through the use of mandatory scheduling orders and preargument conferences supervised by staff counsel. The report concludes that the initial experiment failed to provide conclusive evidence of the plan's substantive value but that further analysis is warranted.

Priorities for Handling Litigation in the United States Courts of Appeals
1977, 75 pages, R-77-1 *(available only on loan)*

An analysis of thirty-three *United States Code* sections that mandate priority handling for cases in the courts of appeals, with brief discussions of each case type.

Screening Practices and the Use of Para-Judicial Personnel in the U.S. Courts of Appeals: A Study in the Fourth Circuit
Steven Flanders and Jerry Goldman
1974, 16 pages, 74-7 *(available only on loan)*

An examination of the use of staff attorneys in each circuit court, based on reports prepared by senior staff attorneys.

Expediting Review of Felony Convictions After Trial: Report of the Committee on Criminal Appeals of the Advisory Council on Appellate Justice
1973, 18 pages, 73-1 *(available only on loan)*

General propositions and recommended procedures to expedite the processing of criminal appeals. The suggestions for handling these cases are designed to achieve a fair and complete review within ninety days from imposition of sentence.

CASE MANAGEMENT—DISTRICT COURTS

Visiting Judges in Federal District Courts
Donna Stienstra
1985, 40 pages, R-85-6

A description of the methods used by eighteen district courts to ensure that a visiting judge's stay is satisfying and productive for both the visitor and the court. Issues covered include selection and preparation of the visiting judge's caseload, orientation to the court, and the visitor's impact on court staff and facilities.

District Court Implementation of Amended Federal Civil Rule 16: A Report on New Local Rules
1984 *(see page 27)*

Business by Phone in the Federal Courts
Barbara S. Meierhoefer
1983, 16 pages

A discussion of the use of teleconferences to conduct certain proceedings in federal courts, including reports of judges experienced with the procedure.

Judicial Controls and the Civil Litigative Process: Motions
Paul R. J. Connolly and Patricia A. Lombard
1980, 76 pages, R-80-2

An investigation of variations in motion management procedures in civil litigation, based on data from more than three thousand cases in six district courts. The report classifies courts by motions-day procedures and extent of opinion drafting and analyzes the written-submissions and oral-proceedings tracks for motion management. This publication and the following entry are products of the District Court Studies Project.

Case Management and Court Management in United States District Courts
Steven Flanders
1977, 153 pages, R-77-6-1

An analysis of the differences between court management procedures resulting in fast versus slow processing and those resulting in high versus low rates of disposition. Alternative procedures are examined and recommended.

Priorities for the Handling of Litigation in the United States District Courts
1976, 59 pages, 76-2 *(available only on loan)*

An analysis of *United States Code* sections that call for special handling of certain types of cases in the trial courts, with brief discussions designed to identify conditions under which expediting provisions are operative.

See also **CALENDARS AND CALENDARING; DISCOVERY; JURIES**

CERTIFICATION

Certifying Questions of State Law: Experience of Federal Judges
Carroll Seron
1983, 41 pages, SP-83-1

A survey of forty-nine district and appellate judges concerning their experience in cases in which questions of state law had been certified to a state supreme court. The findings are generally favorable to the procedure.

CIRCUIT AND DISTRICT EXECUTIVES

The First Decade of the Circuit Court Executive: An Evaluation
John W. Macy, Jr.
1985, 83 pages, R-85-4

A description of the evolution of the circuit executive position since its establishment in 1971. The author, a member of the Board of Certification, considers the extent to which expectations for the executives' role in the administration of justice have been realized, and offers recommendations for further development of that role.

The District Court Executive Pilot Program: A Report on the Preliminary Experience in Five Federal Courts
William B. Eldridge
1984, 28 pages, SP-84-6

A discussion of the roles and responsibilities of the new position of district court executive as implemented in five pilot courts. The paper focuses on the patterns that emerged from a discussion by chief judges and executives of the pilot districts.

The Impact of the Circuit Executive Act
John T. McDermott and Steven Flanders
1979, 269 pages, R-79-1

The results of research on the role and functions of circuit executives. The authors assess the impact of circuit executives on federal judicial administration and provide a systematic review of the strong and weak points of the various circuits' experiences under the Circuit Executive Act.

Implementing the Circuit Executive Act
J. L. Ebersole
1971, 30 pages, 71-5 *(available only on loan)*

A description of the background and implications of the Circuit Executive Act. The report outlines administrative powers and duties of the circuit councils that can be delegated to circuit executives. It includes recommendations for integrating the circuit executive function with existing administrative mechanisms.

CLASS ACTIONS

Attorneys' Fees in Class Actions
1980 *(see page 6)*

An Overview of Federal Class Actions: Past, Present, and Future
Arthur R. Miller
1977, 68 pages, ETS-77-8

An analysis and discussion of the origins, development, and existing state of the law governing class actions.

COSTS OF LITIGATION

Containing the Cost of Litigation
A. Leo Levin and Denise D. Colliers
37 Rutgers Law Review 219 (1985)

A description of the increase in the cost of litigation from 1973 to 1983. The article discusses causes of the increase and describes steps taken by lawyers, corporate clients, and the judiciary to reduce litigation costs.

COURT REPORTERS AND REPORTING

A Comparative Evaluation of Stenographic and Audiotape Methods for United States District Court Reporting
J. Michael Greenwood, Julie Horney, M.-Daniel Jacoubovitch, Frances B. Lowenstein, and Russell R. Wheeler
1983, 222 pages, R-83-3

The results of research undertaken in response to section 401 of the Federal Courts Improvement Act of 1982, which directs the Judicial Conference of the United States to "experiment with the different methods of recording court proceedings." The study evaluated the performance of audio recording systems placed in twelve courtrooms in ten circuits; the audio systems were operated simultaneously with the stenographic reporting systems, allowing a side-by-side comparison of the two systems. The report concludes that given appropriate management and supervision, electronic sound recording can provide an accurate record of district court proceedings at reduced cost, without delay or interruption, and provide the basis for accurate and timely transcript delivery.

Computer-Aided Transcription: A Survey of Federal Court Reporters' Perceptions
J. Michael Greenwood
1981, 41 pages, SP-81-1

A survey of the experiences of official federal court reporters using computer-aided transcription (CAT) technologies. The study reports mixed evaluations of the relative costs and benefits of CAT. The paper also pre-

sents the reporters' views on increased use of CAT in the federal courts and on alternatives to CAT.

CRIMINAL LAW AND PROCEDURE

The Crime Control and Fine Enforcement Acts of 1984: A Synopsis
Anthony Partridge
1985, 63 pages, ETS-85-1

A summary, in outline form, of the statutes' various provisions, emphasizing provisions dealing with bail and youth offenders; changes affecting fines, forfeitures, and special assessments; and changes regarding offenders with mental diseases or defects.

Pattern Criminal Jury Instructions: Report of the Federal Judicial Center Committee to Study Criminal Jury Instructions
1982 *(see page 24)*

Disqualification of Federal Judges by Peremptory Challenge
1981 *(see page 23)*

See also **SENTENCING; SPEEDY TRIAL**

DESK REFERENCES FOR JUDGES AND SUPPORT STAFF

Handbook for Federal Judges' Secretaries
Revised 1985, 135 pages, M-85-2 *(available only to federal judicial personnel)*

A training aid and reference work for use by new and experienced secretaries to federal judges. The handbook discusses case management, office procedures, administrative matters, protocol and conduct, and the special role of a judicial secretary. This publication has been produced in loose-leaf format to facilitate additions.

Manual on Recurring Problems in Criminal Trials
Donald S. Voorhees
Revised 1985, 155 pages, ETS-85-3 *(limited distribution within the federal judiciary)*

An update of a 1981 collection of decisions on procedural problems arising in criminal trials, from material originally presented at Center seminars for newly appointed district judges. Among the twenty-six topics covered are jury-related problems, coconspirator statements, recalcitrant witnesses, the Fifth Amendment, confessions, and severance of defendants.

Desk Book for Chief Judges of United States District Courts
Russell R. Wheeler
1984, ETS-84-1 *(limited distribution within the federal judiciary)*

A detailed reference for chief judges of federal district courts, the *Desk Book* describes their general position within the system of federal judicial administration as well as their specific roles and responsibilities with respect to national and regional bodies of judicial administration; other judges, officers, and employees of the district court; various functions of the court; and external groups such as the bar, media, and public. Citations to statutory requirements and Judicial Conference and Administrative Office policies and guidelines are given where relevant. This publication is produced in loose-leaf format to facilitate revision and supplementation (the most recent replacement pages are dated November 1985).

Bench Book for United States District Court Judges
November 1979–May 1985, 2 vols., M-3 *(available only to federal judges and magistrates)*

An ongoing compilation of information that federal district judges have found useful for immediate bench or chambers reference, with sections on such topics as assignment of counsel, taking guilty pleas, model sentencing forms, standard voir dire questions, and oaths. The *Bench Book* is prepared under the guidance of experienced district judges; it is produced in loose-leaf format to facilitate supplementation.

Guidelines for Docket Clerks: A Training and Reference Resource for Federal Docket Clerks
1979, 74 pages *(available only to federal judicial personnel)*

An outline of the general procedures and mechanics of effective civil and criminal docketing in the federal courts. It is designed for reference use by experienced docket clerks and as an aid in orienting and training new employees.

Law Clerk Handbook: A Handbook for Federal District and Appellate Court Law Clerks
Anthony M. DiLeo and Alvin B. Rubin
1977, 397 pages, M-1 *(available only to federal judicial personnel)*

A handbook dealing with problems and procedures in the areas of conduct, protocol, ethics, and court management; the various functions of related

agencies; basic analysis of litigation; and general administrative matters that concern law clerks.

Bench Comment

(available only to federal judges and magistrates)

Brief summaries of trends in federal appellate treatment of practical procedural problems that trial judges may face. Each *Bench Comment* is prepared under the guidance of federal judges with special expertise in the specific area; they are distributed periodically.

Chambers to Chambers

(available only to federal judges and magistrates)

Brief descriptions of case or office management techniques that judges have found helpful. Written and reviewed by federal judges knowledgeable in the particular subject area, *Chambers to Chambers* is distributed periodically.

DISCOVERY

Discovery Problems in Civil Cases

Joseph L. Ebersole and Barlow Burke
1980, 122 pages, R-80-3 *(available only on loan)*

A description of responses obtained during interviews with attorneys who had participated in cases believed to have involved discovery problems. The analysis focuses on differences between cases involving overdiscovery and cases involving resistance to discovery; factors affecting discovery problems are also discussed.

Federal Discovery: A Survey of Local Rules and Practices in View of Proposed Changes to the Federal Rules

Sherman L. Cohn
63 Minnesota Law Review 253 (1979)

An examination of attempts by courts and individual judges to limit the consumption of judicial resources, expedite the discovery process, curb abuses in the use of discovery methods, and provide for more effective sanctions.

Judicial Controls and the Civil Litigative Process: Discovery

Paul R. Connolly, Edith A. Holleman, and Michael J. Kuhlman
1978, 126 pages, R-78-4

A description of the use of the discovery rules in a sample of more than three thousand cases from six district courts. The report provides quantita-

tive information on each discovery device and on discovery motions. The authors evaluate the relationship between the degree of judicial control and the time required for discovery and provide guidelines for judges to use in setting discovery time limits. (This report is a product of the District Court Studies Project.)

Survey of Literature on Discovery from 1970 to the Present: Expressed Dissatisfactions and Proposed Reforms
Daniel Segal
1978, 200 pages, R-78-5

An analysis of a broad range of literature dealing with the discovery provisions of the Federal Rules of Civil Procedure. The author examines how well the rules are functioning and makes suggestions for change and reform.

DISTRICT COURT ADMINISTRATION

Preparing a United States Court for Automation
1985 *(see page 7)*

In-Court Orientation Programs in the Federal District Courts
1984 *(see page 23)*

Administrative Structures in Large District Courts
Philip L. Dubois
1981, 79 pages, R-81-9

A comparative analysis of management styles in the fifteen metropolitan district courts. Based on personal interviews with chief judges, clerks of court, and other judges and circuit personnel, the report describes the many administrative tasks faced by the courts and the various arrangements these courts have devised to perform those tasks.

Operation of the Federal Judicial Councils
Steven Flanders and John T. McDermott
1978, 108 pages, R-78-7

An evaluation of the operation of the federal judicial councils. The authors focus on the effectiveness of the guidelines for council activity that the Judicial Conference of the United States promulgated in 1974. The report includes descriptions, history, appraisals, and proposals for change.

Case Management and Court Management in United States District Courts
1977 *(see page 13)*

See also **CIRCUIT AND DISTRICT EXECUTIVES**

EMPLOYMENT DISCRIMINATION

Manual on Employment Discrimination Law and Civil Rights Actions in the Federal Courts
Charles R. Richey
Revised 1984, M-84-1 *(available only to federal judicial personnel)*

A reference work designed to help judges understand and deal more effectively with employment discrimination law and civil rights actions. The manual includes separate analyses of each of the various statutes relied upon in such actions. It also includes selected jury instructions used by federal judges in such actions, as an aid for judges in preparing instructions. This publication is produced in loose-leaf format to facilitate revision and supplementation (the most recent replacement pages are dated August 1985).

Major Issues in the Federal Law of Employment Discrimination
George Rutherglen
1983, 260 pages, ETS-83-2

An examination of the substantive and procedural provisions of title VII of the Civil Rights Act of 1964, covering issues such as claims of disparate treatment and disparate impact, preferential treatment, and discrimination on the basis of sex, national origin, and religion. Other federal remedies for employment discrimination are discussed primarily as they pertain to title VII. A 152-page bibliography of relevant books, articles, and student comments and notes is included.

Note: Supplements to the above work are issued periodically. *Supplement 1* (1985, 70 pages, ETS-85-2) discusses developments in employment discrimination case law from September 1983 to August 1984, as well as a few more recent cases. *Supplement 2* (1985, ETS-85-6) treats developments from September 1984 to August 1985. Included in each supplement is a cumulative table of authorities cited in the supplements and the original monograph.

EXPERIMENTATION IN THE LAW

Experimentation in the Law: Report of the Federal Judicial Center Advisory Committee on Experimentation in the Law
1981, 134 pages

The report of the Center's Advisory Committee on Experimentation in the Law. The committee examines the ethical and legal problems posed by experimentation with innovative programs and procedures in the justice system, and offers guidance to justice system administrators to help ensure that needed experimentation is pursued in a manner commensurate with fundamental ideals of the system of justice. This report presents a comprehensive approach to addressing and weighing the need for experimentation as a means for improving the operation of the justice system, and describes the ethical and legal constraints on such experimentation.

THE FEDERAL JUDICIAL CENTER

Research in Judicial Administration: The Federal Experience

A. Leo Levin

26 New York Law School Law Review 237 (1981)

A description of the broad impact of judicial administration policies and of how research can inform judicial administration policy decisions. The author outlines the research mission of the Federal Judicial Center and explains how the Center's research objectives are defined. Specific examples of Center research projects, and of how the results of these projects have been used, are provided.

Using Technology to Improve the Administration of Justice in the Federal Courts

1981 *(see page 7)*

The Federal Judicial Center: A Nontraditional Organization in the Federal Judiciary of the United States

Joseph L. Ebersole

Revised 1979, 52 pages, SP-78-5

A comparison of the court systems of the United States and Argentina. The report emphasizes the role of the Federal Judicial Center within the judicial branch of the United States government. It includes background on and current activities of the Center.

Annual Reports, 1969–1985

Reports submitted to the Judicial Conference of the United States as directed by statute, describing the work of the Center in the respective fiscal year. Reports prior to 1980 are available only on a loan basis.

The Dolley Madison House

A short history of the Dolley Madison House, which serves as the main facility of the Federal Judicial Center.

FEDERAL RULES

An Empirical Study of Rule 11 Sanctions
Saul M. Kassin
1985, 81 pages, R-85-8

The results of a survey of 292 federal district judges concerning how they interpret and apply the 1983 amendments to Federal Rule of Civil Procedure 11. Based on the surveyed judges' hypothetical reactions to actual cases in which rule 11 sanctions were requested, the study outlines the judges' standards and rationales for imposing sanctions, the kinds of sanctions imposed, and the relationship between the surveyed judges' opinions and their expectations of how their colleagues would rule on the same issues.

The August 1983 Amendments to the Federal Rules of Civil Procedure: Promoting Effective Case Management and Lawyer Responsibility
Arthur R. Miller
1984, 41 pages, ETS-84-2

An informal discussion, adapted from a lecture at a Center workshop, of the amendments to civil rules 7, 11, 16, and 26. The author, a member of the Judicial Conference Advisory Committee on Civil Rules, explains the reasons for the changes and the responsibilities they impose on both lawyers and judges.

Federal Rulemaking: Problems and Possibilities
Winifred R. Brown
1981, 143 pages, R-81-5

An examination of the federal rule-making process, with particular attention to those parts of the process that have elicited criticism or suggestions for change. After a detailed description of the rule-making process, the author offers an assessment of benefits and problems that might result from implementation of various possible changes.

Sanctions Imposable for Violations of the Federal Rules of Civil Procedure
Robert E. Rodes, Jr., Kenneth F. Ripple, and Carol Mooney
1981, 90 pages, R-81-6

A survey of the current state of the law with respect to sanctions for violations of the Federal Rules of Civil Procedure, as reported in both the case law and the secondary literature. The report examines sanctions under rules 47, 41(b), 55, 36, 11, and 16; several local rules; and rules permitting sanctions against attorneys rather than clients. The authors conclude that there is considerable laxity in the imposition of sanctions for violation of the rules, and they suggest several amendments to the rules.

See also **LOCAL RULES**

ISSUE PRECLUSION

Issue Preclusion Against the United States Government

A. Leo Levin and Susan M. Leeson

70 Iowa Law Review 113 (1984)

An exploration of the special problems of repetitive litigation by the United States, including the institutional role of the Office of the Solicitor General, and of the potential utility of a national court of appeals or an intercircuit tribunal in controlling undesirable repetitive litigation on the part of the United States.

JUDGES

In-Court Orientation Programs in the Federal District Courts

Barbara S. Meierhoefer

1984, 24 pages, SP-84-3

A description of some of the orientation methods that have been used by various district courts to introduce new judges to both judicial tasks and local court practice. An appendix includes an orientation checklist developed by the Center.

Disqualification of Federal Judges by Peremptory Challenge

Alan J. Chaset

1981, 82 pages, R-81-2

An analysis of proposed statutory procedures that would allow federal litigants to challenge, on a peremptory basis, the federal judge or magistrate assigned to their cases. Prepared at the request of the Judicial Conference Advisory Committee on Criminal Rules, the report discusses the proposals that have been offered on the federal level, analyzes the procedures in effect in seventeen state court systems, and considers the possible administrative consequences of a federal peremptory challenge procedure.

Judgeship Creation in the Federal Courts: Options for Reform
Carl Baar
1981, 49 pages, R-81-3

A review of various procedures used by state legislatures and judiciaries to create judgeships. In light of those procedures, the author analyzes the federal judgeship creation process and suggests alternatives to it. These alternatives involve delegation to the federal judiciary of some portion of the judgeship creation authority, with appropriate checks to ensure judicial accountability and legislative control.

Judicial Discipline and Removal in the United States
Russell R. Wheeler and A. Leo Levin
1979, 76 pages, SP-79-2

A review of the origins and development of various formal and informal means of dealing with judicial unfitness in the state and federal courts, with emphasis upon the "commission" system. The authors evaluate various disciplinary mechanisms according to such criteria as effectiveness and protection of judicial independence, and they discuss proposed judicial discipline legislation.

Decisions Construing the Judicial Disqualification Statute
Francine Tilewick
1977, 75 pages, SP-77-2 *(available only on loan)*

A brief analysis of the judicial disqualification statute, 28 U.S.C. § 455, with an index and annotations of reported decisions construing the statute.

JURIES

Jury Selection Procedures in United States District Courts
Gordon Bermant
1982, 60 pages, ETS-82-1

A manual for use by judges in conducting voir dire and juror challenges. Based on descriptions provided by six federal district judges of their individual voir dire procedures and on observations of voir dire in practice, the report offers recommendations for the conduct of the voir dire examination and juror challenges. Appendixes to the report include juror qualification forms and standard voir dire questions.

Pattern Criminal Jury Instructions: Report of the Federal Judicial Center Committee to Study Criminal Jury Instructions
1982, 83 pages, R-82-6 *(Center distribution limited; see below)*

A collection of jury instructions prepared by a committee of judges and law professors, with appendixes written by Center staff. The instructions cover such matters as the roles of judge and jury, the definition of reasonable doubt, evaluation of certain kinds of evidence, and the defenses of insanity and entrapment. The document is in loose-leaf format to facilitate future additions. (Free distribution from the Center to federal judicial personnel only. Others can purchase copies for $4.50 from West Publishing Company, P.O. Box 43526, St. Paul, MN 55164.)

A Comparative Study of Jury Selection Systems: An Empirical Analysis of First-Class versus Certified Mail for Service of Summons and Simultaneous versus Separate Delivery of Summons and Qualification Questionnaire

John E. Shapard

1981, 45 pages, SP-81-3

An analysis of the potential benefits that might derive from district courts' altering their juror selection procedures. Two procedures are examined: (1) using regular first-class mail rather than certified mail for delivery of juror summonses and (2) delivering the juror qualification questionnaire and summons together rather than at separate times. Given that the conclusions of the study were mixed, the report recommends that the Jury Selection Act be amended to permit either or both procedures at the option of the individual district.

Protracted Civil Trials: Views from the Bench and the Bar

Gordon Bermant, Joe S. Cecil, Alan J. Chaset, E. Allan Lind, and Patricia A. Lombard

1981, 93 pages, R-81-8

A report on the nature and management of long, complex civil trials, based on interviews with sixty-eight experienced judges and lawyers. The report highlights facts and opinions about the role of juries in protracted trials. It also demonstrates that there are complicated trade-offs to be considered in weighing the relative advantages of bench and jury trials for protracted cases.

Small-Group Decision Making and Complex Information Tasks

Michael J. Saks

1981, 60 pages, R-81-1

A search of the psychological literature for information about the competencies of jurors to find the facts in complex, protracted civil trials. The author notes that little research to date has focused directly on this issue and concludes that legal fact-finding in complex civil trials is a task that benefits from the advantages of groups over individuals as decision makers.

Specially Qualified Juries and Expert Nonjury Tribunals—Alternatives for Coping with the Complexities of Modern Civil Litigation
William V. Luneburg and Mark A. Nordenberg
67 Virginia Law Review 887 (1981)

An analysis of two approaches to the problem of assessing the utility of lay juries for finding facts in complex civil trials. The report reviews the history and doctrinal status of special juries and recommends the use of specified educational attainment as the most satisfactory criterion. The authors discuss historical and functional approaches to the Constitution and subsequent case and statutory law in their evaluation of the possible future role of administrative tribunals.

The Voir Dire Examination, Juror Challenges, and Adversary Advocacy
Gordon Bermant and John Shapard
1978, 50 pages, R-78-6

A broad review of the legal and psychological issues presented by the voir dire examination and subsequent challenges of prospective jurors. The discussion is organized under four headings: interests, criteria, parameters, and methodology.

Conduct of the Voir Dire Examination: Practices and Opinions of Federal District Judges
Gordon Bermant
1977, 32 pages, R-77-7

An overview of theory, practice, and opinion regarding the conduct of the voir dire examination in federal courts. (This publication is no longer being distributed because it is superseded by the preceding entry.)

Guidelines for Improving Juror Utilization in the United States District Courts
1972, 67 pages, 72-7 *(available only on loan)*

Guidelines developed from several studies to increase the utilization of jurors. The guidelines are designed to decrease the amount of time required of jurors and expenditures for jury costs.

LEGAL RESEARCH

Improving the Federal Court Library System: Report and Recommendations Submitted to the Judicial Conference of the United States by the Board of the Federal Judicial Center
1978, 110 pages, R-78-2

Nineteen recommendations for modernizing and improving the federal court library system, based on a survey of the legal research facilities and library services throughout the federal court system.

An Evaluation of the Application of a Computerized Citation-Checking System in the Federal Courts
Alan M. Sager
1977, 23 pages, R-77-23 *(available only on loan)*

The description of an evaluation of the utility to federal courts of a computerized system for checking the accuracy of case citations and determining case histories. The report explains the evaluated system and the methodology of the project and covers usage data and the accuracy of cite-checking systems.

An Evaluation of Computer Assisted Legal Research Systems for Federal Court Applications
Alan M. Sager
1977, 229 pages, R-77-2

The description of a Center study that evaluated the use of computer-assisted legal research systems in federal courts. The report explains the systems that were compared and the methodology of the project, provides comparative data, and recommends adoption of the "full text" system for use in federal courts.

LOCAL RULES

District Court Implementation of Amended Federal Civil Rule 16: A Report on New Local Rules
Nancy Weeks
1984, 86 pages, SP-84-4

An examination of the local rules federal district courts have developed in response to the 1983 amendment to Federal Rule of Civil Procedure 16, which calls for increased use of scheduling orders in managing caseloads. An appendix contains sample local rules from fifteen districts.

Federal Discovery: A Survey of Local Rules and Practices in View of Proposed Changes to the Federal Rules
1979 *(see page 18)*

See also **FEDERAL RULES**

MAGISTRATES

The Roles of Magistrates: Nine Case Studies
Carroll Seron
1985, 149 pages, R-85-5

The findings of an in-depth study of the use of magistrates in nine district courts, in the context of the courts' individual approaches to court administration and case management. Three models for the use of magistrates are described: magistrates as "additional judges," as specialists, and as team players. Also examined is the extent to which magistrates' work is challenged by lawyers.

The Roles of Magistrates in Federal District Courts
Carroll Seron
1983, 104 pages, R-83-1

A description of the scope of responsibilities of full-time magistrates in eighty-two district courts, of the processes by which those responsibilities are assigned to them, and of the frequency with which they are assigned various tasks.

MASTERS

The Use of Masters in Institutional Reform Litigation
Vincent M. Nathan
10 Toledo Law Review 419 (1979)

An analysis of the sources of authority for the appointment of masters. The author considers the advantages and disadvantages of the appointment of masters in the implementation of court-ordered reforms of correctional and mental health institutions, and evaluates the skills and background a potential master should bring to the task of monitoring compliance with a court's remedial decree.

OPINION WRITING AND PUBLICATION

Unpublished Dispositions: Problems of Access and Use in the Courts of Appeals
Donna Stienstra
1985, 75 pages, SP-85-2

A brief analysis of the issue of equitable access to unpublished appellate decisions, based on an examination of the circuit courts' rules and practices with regard to distribution and citation of unpublished dispositions. Data on the number and types of unpublished dispositions in statistical years 1981–1984 are presented.

An Evaluation of Limited Publication in the United States Courts of Appeals—The Price of Reform
William L. Reynolds and William M. Richman
48 University of Chicago Law Review 573 (1981)

An examination of plans for limited publication of opinions in the federal courts of appeals. The report reviews the background of publication plans, analyzes the relation between the language of the plans and the publication rates of the circuit courts, empirically assesses the costs and benefits of limited publication, and offers a model rule for publication.

Appellate Opinion Writing
Edward D. Re
1975, 17 pages, ETS-77-4

A discussion of three aspects of opinion writing: preliminary considerations; the anatomy of the opinion; and peripheral matters such as citations, quotations, and the use of footnotes.

Attitudes of United States Judges Toward Limitation of Oral Argument and Opinion-Writing in the United States Courts of Appeals
Jerry Goldman
1975, 72 pages, 75-3 *(available only on loan)*

The results of a survey undertaken for the Commission on Revision of the Federal Court Appellate System, in which the attitudes of federal judges regarding appellate oral argument and opinion-writing practices were explored. The author concludes that judges are more satisfied with truncated procedures in the appellate courts than are lawyers; lawyers would opt for more judges and courts to ease the burden on court dockets.

Standards for Publication of Judicial Opinions: A Report of the Committee on Use of Appellate Court Energies of the Advisory Council on Appellate Justice
1973, 41 pages, 73-2 *(available only on loan)*

A report on procedures for determining whether an opinion should be published and whether an unpublished opinion may be cited to or by a court.

The report recommends that opinions be published only if certain defined standards are satisfied. A proposed model court rule is included.

PERIODICALS

The Third Branch: Bulletin of the Federal Courts
Published monthly (since December 1968) by the Administrative Office of the United States Courts and the Federal Judicial Center

The official bulletin of the federal courts, distributed to all judicial branch officials and to other individuals and organizations concerned with judicial administration. It reports matters of interest to the federal judiciary such as legislation, new judicial techniques, Center publications, personnel actions, and upcoming meetings.

What's Happening?

A monthly newsletter produced by the Center's Division of Continuing Education and Training to provide information on new training techniques and Center services to training coordinators, who are staff members in the various courts and who, in addition, structure and promote in-court training programs for court personnel. (Regular distribution is limited to court training coordinators.)

PRISONER LITIGATION

Partial Payment of Filing Fees in Prisoner In Forma Pauperis Cases in Federal Courts: A Preliminary Report
Thomas E. Willging
1984, 45 pages

A description of the procedures used in several district courts to adjust the filing fee to the amount of income available to a prisoner. The report details the operation of the program in the Northern District of Ohio, Western Division, and assesses the impact of the procedure on the court and litigants.

Compendium of the Law on Prisoners' Rights, Supplement
Ila Jeanne Sensenich
1981, 90 pages *(available only to federal judicial personnel)*

A supplement to augment and update the original volume on the law of prisoner litigation (see the following entry). It reports decisions and developments subsequent to the publication of the earlier report. The materials

are presented in outline form, keyed to the sections and subsections of the first document. An annotated table of contents permits the user to find materials in both the compendium and the supplement.

Compendium of the Law on Prisoners' Rights
Ila Jeanne Sensenich
1979, 503 pages *(available only to federal judicial personnel)*

A comprehensive resource on the complex case law of prisoner litigation. All aspects of prisoner litigation—from filing and motion practice through trial and relief stages—are discussed.

Recommended Procedures for Handling Prisoner Civil Rights Cases in the Federal Courts
Revised 1980, 126 pages, R-80-1

A report on the role of the federal courts in handling "conditions of confinement" complaints by both state and federal prisoners, with emphasis on state cases brought under 42 U.S.C. § 1983. Procedures for handling such cases from initial filing through the pretrial stages are included.

PROBATION

Observation and Study in the Federal District Courts
1985 *(see page 33)*

A Process-Descriptive Study of the Drug Aftercare Program for Drug-Dependent Federal Offenders
James B. Eaglin
1984, 124 pages, R-84-1

The preliminary report of the Center's multiphase effort to document the effects of the Probation Division's aftercare program for drug-dependent federal offenders. Reviewing the operation of the program in a sample of ten probation districts, the author describes the program's general approach; various characteristics of offenders in the program; services planned for and received by offenders; and adjustment experiences of offenders in aftercare, including resumed or continued drug use, new arrests and convictions, and technical violations.

A Validation and Comparative Evaluation of Four Predictive Devices for Classifying Federal Probation Caseloads
James B. Eaglin and Patricia A. Lombard
1982, 149 pages, R-82-2

An evaluation of the comparative validity of four risk prediction scales used for classifying federal probation caseloads. The authors recommend that the scale found to have the best balance of validity and predictive power, the U.S.D.C. 75, be used by all United States probation officers. (The U.S.D.C. 75 Scale has subsequently been modified and renamed the Risk Prediction Scale 80 and is now in use in all federal probation offices.)

An Introduction to the Federal Probation System, Second Edition
1976, 238 pages, 76-1

An overview of the federal criminal justice system and the probation officer's role in that system.

PUBLIC OPINION

Consumers of Justice: How the Public Views the Federal Judicial Process
Daniel J. Meador
1975, 23 pages, ETS-77-6

A discussion of the American public's views of the federal judiciary—the ideal and the reality.

SECURITIES LAW

"Fraud" and Civil Liability under the Federal Securities Laws
Louis Loss
1983, 67 pages, ETS-83-1

An examination of four statutes relating to fraud and civil liability: the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940. Relevant cases are discussed, and a bibliography of treatises on this subject is included.

SEMINAR PROCEEDINGS

The proceedings of many Center seminars are available to federal court personnel on either audiocassettes or videocassettes, which can be obtained from the media library *(see page 6)*. Some lectures are also reproduced in the Center's Education and Training Series because of the interest in the subject matter; they are so indicated in this catalog. In addition, the proceedings of some seminars for

federal judges have been reprinted in *Federal Rules Decisions*. See, for proceedings of the November 1972 and March 1973 appellate judges seminars, 63 F.R.D. 453. See, for proceedings of a series of conferences for experienced district judges held in 1973 and 1974, 59 F.R.D. 203, 63 F.R.D. 155, 64 F.R.D. 225 and 475, and 65 F.R.D. 285. See, for proceedings of a September 1976 seminar for newly appointed district judges, 75 F.R.D. 89.

SENTENCING

Observation and Study in the Federal District Courts
Julie Horney
1985, 36 pages, R-85-3

An assessment of the statutory procedure by which a judge may refer a convicted offender to the Bureau of Prisons for a period of observation and study. The report describes the current referral process and looks at the extent to which the reports prepared by the correctional institutions are meeting the courts' needs. Several recommendations for improvement are offered.

The Sentencing Options of Federal District Judges
Anthony Partridge
Revised 1985, 67 pages, ETS-85-4

A description of the statutory sentencing alternatives in the federal courts. Addressed primarily to newly appointed district judges, the report relates sentencing alternatives to the policies of the agencies that carry out the sentences, particularly the Bureau of Prisons and the Parole Commission. This publication is revised as the need arises.

The Effects of Sentencing Councils on Sentencing Disparity
1981, 16 pages, SP-81-2

A report on the effects of sentencing councils on sentencing disparity in four district courts. The report concludes that the effect of introducing a sentencing council into a court cannot be predicted without knowledge of many court characteristics; that sentencing councils can either reduce or increase sentencing disparity, depending on the characteristics of the court; and that sentencing councils can polarize sentencing attitudes.

Due Process at Sentencing: An Empirical and Legal Analysis of the Disclosure of Presentence Reports in Federal Courts
Stephen A. Fennell and William N. Hall
93 Harvard Law Review 1613 (1980)

A factual and legal review of practices in courts and probation offices concerning the preparation and disclosure of presentence reports. The authors analyze the impact of the disclosure mandated by Federal Rule of Criminal Procedure 32(c)(3) on the federal sentencing process, and they make recommendations for improvements.

"The Feasibility of a National Sentencing Policy": A Critique
Anthony Partridge and Michael R. Leavitt
1979, 16 pages, SP-79-1 *(available only on loan)*

A critical analysis of particular research into federal criminal sentencing activity. The authors indicate methodological error in prior work on sentencing guidelines and suggest alternative approaches.

Prosecutorial Discretion and Federal Sentencing Reform
Stephen J. Schulhofer
1979, 247 pages (2 volumes), R-79-3 *(available only on loan)*

A discussion of specific ways in which prosecutorial influence over sentences might be affected by sentencing guideline systems debated in Congress. The first volume contains the body of the report, with analyses and conclusions; the second is a technical supplement.

An Evaluation of the Probable Impact of Selected Proposals for Imposing Mandatory Minimum Sentences in the Federal Courts
James Eaglin and Anthony Partridge
1977, 83 pages, R-77-3

A comparison of sentencing practices in fiscal 1976 with sentencing proposals offered in the second session of the Ninety-fifth Congress. The authors conclude that few sentences imposed by federal judges would conflict with the legislative proposals, except those in the opiate, bank robbery, and aggravated assault offense categories.

Legislative History of Observation and Study
Robert Schwaneberg
1977, 46 pages, SP-77-8 *(available only on loan)*

Legislative histories of the Federal Youth Corrections Act of 1950 and the federal sentencing legislation of 1958. The author discusses the types of recommendations to be included in observation and study reports, the time allowed for observation, what constitutes an abuse of the provisions, and whether nonfederal facilities can be used for observation and study.

Observation and Study: Critique and Recommendations on Federal Procedures
Larry C. Farmer
1977, 35 pages, R-77-13 *(available only on loan)*

An evaluation of study commitments under 18 U.S.C. §§ 4205(c) and 5010(e). The report concludes that the objective of observation and study—obtaining professional evaluations to support sentencing decisions—has not been met. The author proposes a new model for these studies.

The Second Circuit Sentencing Study: A Report to the Judges of the Second Circuit
Anthony Partridge and William B. Eldridge
1974, 154 pages, 74-4 *(available only on loan)*

The report on a sentencing experiment that revealed substantial disparity in determining both the need for incarceration and the lengths of prison terms to be imposed. Matters of disparity and the effects of particular case characteristics are discussed.

See also **PROBATION**

SETTLEMENT

The Judge's Role in the Settlement of Civil Suits
Frederick B. Lacey
1977, 26 pages, ETS-77-7

A discussion of the judge's role as mediator in negotiating settlement of cases before they go to trial.

The Role of the Judge in the Settlement Process
Hubert L. Will, Robert R. Merhige, Jr., and Alvin B. Rubin
1977, 34 pages, ETS-77-13

An analysis of some judicial techniques that help maximize the possibility of freely negotiated settlements.

SOCIAL SECURITY

Disability Appeals in Social Security Programs
Lance Liebman
1985, 45 pages, ETS-85-5

An examination of the controversy and difficulties encountered by the Social Security Administration when determining disability and adjudicat-

ing appeals. The report presents overviews of the Social Security Disability and Supplemental Security Income systems and discusses the important role judicial review has played in these programs.

SPEEDY TRIAL

Legislative History of Title I of the Speedy Trial Act of 1974
Anthony Partridge
1980, 384 pages *(available only to federal judicial personnel)*

A research aid for those engaged in interpreting the Speedy Trial Act. Excerpts from congressional hearing records and committee reports are reproduced verbatim and arranged according to the sections of the statute to which they pertain. Materials related to both the original enactment and the 1979 amendments are included. The book contains the full text of title I as it appeared in successive versions of the bill and an introductory essay about the genesis and the development of the act.

STARE DECISIS

Stare Decisis
Edward D. Re
1975, 21 pages, ETS-77-5

An exploration of the doctrine of precedents in the judicial process.

VIDEO TECHNOLOGY

Assessment of Videotaped Bankruptcy Discharge Hearings in the U.S. Bankruptcy Court for the Western District of Pennsylvania
John E. Shapard
1985, 6 pages, SP-85-3

A brief description of a test of the use of videotape for part of the bankruptcy discharge hearing for debtors required by 11 U.S.C. § 524(d). The test demonstrated that use of the videotape conserves judge time and can enhance the value of the hearing to the debtor.

Recommendations Regarding Use of Court-Owned Videotape Equipment in Federal District Court Litigation
John E. Shapard
1984, 33 pages, SP-84-1

A review of the experience with the Center's Videotape Pilot Project, in which five district courts used videotape as an alternative means to stenog-

raphy for recording and presenting trial testimony in certain cases. Although concluding that videotape has a valuable role to play in litigation, the author recommends that the private sector, rather than the courts, be the principal provider of videotape services for litigation purposes.

The Impact of Video Use on Court Function: A Summary of Current Research and Practice

Genevieve V. Coleman

1977, 23 pages, R-77-9

A summary of research findings on and court uses of video technology, including both videotape and closed-circuit television. The report discusses advantages and disadvantages of various uses, concluding that further study is required before video technology can be incorporated into the judicial process to achieve the desired administrative benefits without unacceptable effects on the process of justice.

Guidelines for Pre-Recording Testimony on Videotape Prior to Trial, Second Edition

1976, 85 pages, 76-3 *(available only on loan)*

A description of techniques, equipment, and procedures for videotaping depositions. The report includes forms, state and federal rules, cases, and a listing of articles on this subject.

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